

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2003 Legislative Session
Legislative Day # 04

BILL NO. 2003-02

Introduced by: Charles County Commissioners

AN ACT concerning

MESSAGE ESTABLISHMENTS - REGULATION

Date introduced: 05 / 19 / 2003

Public Hearing: 06 / 02 / 2003

Commissioners Action: 06 / 02 / 2003 Enactment

Commissioner Votes: WC: Y, RJF: u/a, MDL: Y, W DM: Y, ARS: Y

Pass/Fail: Pass

Effective Date: 07 / 18 / 2003 at 12:01 A.M.

Remarks: _____

NOTE: CAPITALS indicate matter added to existing text.
[Brackets] indicate matter deleted from existing law.

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2003 Legislative Session

Bill No. 2003-02

Chapter. No. _____

Introduced by _____

Date of Introduction _____

BILL

1 AN ACT concerning

2 **Massage Establishments - Regulation**

3
4 FOR the purpose of

5
6 protecting the health, safety and general welfare of the citizens of Charles County,
7 Maryland by providing for the regulation and licensing of massage establishments.

8
9 BY adding to:

10 Division 1: Code of Public Local Laws
11 Chapter 79 – Massage Establishments
12 *Code of Charles County, Maryland*
13 (1994 Edition, 2000 Supplement)

14
15 **SECTION 1.** BE IT ENACTED BY THE COUNTY COMMISSIONERS OF
16 CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as
17 follows:
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CHAPTER 79

MASSAGE ESTABLISHMENTS

§ 79-1. Definitions.

In this Chapter, terms that are defined in the state Health Occupations Article have the same meaning, and the following words and phrases have the following meanings:

BOARD: The Maryland State Board of Chiropractic Examiners.

DEPARTMENT: The Charles County Health Department.

HEALTH OFFICER: The Charles County Health Officer, or the Health Officer's designee.

MASSAGE: Massage has the same meaning as "massage therapy" under §3-5A-01 of the Health Occupations Article.

MASSAGE ESTABLISHMENT: Any business where any employee, agent, or contractor who is not a certified massage therapist or registered massage practitioner under state law performs a massage.

MASSAGE ESTABLISHMENT MANAGER: An individual who acts as the manager of a massage establishment.

§ 79-2. Scope.

This Chapter does not apply to:

- A. An individual with a license, registration or other approval issued by the

1 Board to provide massage under §3-5A-05 of the Health Occupations
2 Article;

3
4 B. An athletic trainer who is certified by a nationally recognized athletic
5 trainer certification agency identified by the Health Officer and works
6 under the supervision of a physician, while functioning in the athletic
7 trainers professional capacity;

8
9 (1) Is employed by an accredited educational institution, while performing
10 professional duties at that institution; or

11
12 (2) Is employed by a professional sports team, while treating members of
13 that team; and

14
15 C. A business in which every person whom performs a massage is a certified
16 massage therapist or registered massage practitioner under state law.

17
18 **§ 79-3. Licenses required.**

19
20 A. "Massage establishment": A person may not own, conduct, or engage in
21 the business of a massage establishment without a valid license issued by
22 the Health Officer. The Health Officer or the Office of the Sheriff for
23 Charles County, Maryland may enforce this requirement. The Health
24 Officer or the Office of the Sheriff for Charles County, Maryland may
25 close an unlicensed massage establishment until the business and each
26 person owning or operating the business obtains a license under this
27 subsection.

28
29 B. "Massage establishment manager": An individual may not manage a

1 message establishment without a valid license issued by the Health Officer
2 pursuant to the provisions of this Chapter.

- 3
- 4 C. "Massage worker": Any person who performs a massage for
5 compensation and who is not a certified massage therapist or registered
6 massage practitioner under state law must obtain a massage worker's
7 license from the Health Officer. An individual may only apply for a
8 license under this subsection if the individual is expressly exempt under
9 §3-5A-05(a)(2) of the Health Occupations Article from the certification
10 and registration requirements of that section.

11

12 § 79-4. **Transferability.**

- 13
- 14 A. A license to operate a massage establishment may not be transferred from one
15 person to another.
- 16
- 17 B. A license to operate a massage establishment may not be transferred from one
18 location to another location in the county without the prior written approval
19 of the Health Officer.
- 20
- 21 C. A manager's license may not be transferred from one individual to another.
- 22
- 23 D. A massage worker's license may not be transferred from one individual to
24 another.

25

26 § 79-5. **License terms; fees.**

- 27
- 28 A. Licenses issued under this Chapter are valid for the calendar year in which
29 they are issued.

- 1
2 B. License fees are due on application for a new or renewed license. There shall
3 be no refund or proration of the license fees.
4
5 C. License fees shall be established and published by the Health Officer.
6

7 **§ 79-6. Application for massage establishment license.**
8

- 9 A. Nature of Applicant: An applicant for a massage establishment license may
10 be an individual, an association or partnership, or a corporation.
11

12 (1) If the applicant is an association or partnership, the required
13 application information shall be provided for each associate or
14 partner.
15

16 (2) If the applicant is a corporation, the required application information
17 shall be provided for each officer, director, and, if it is not a publicly
18 traded corporation for each stockholder.
19

20 (3) If another corporation, which is not publicly traded, owns 10% or
21 more of the stock of the applicant's corporation, the required
22 information shall also be provided for each officer, director and
23 stockholder of the corporation owning stock.
24

- 25 B. Each application for a massage establishment license shall be on a form
26 provided by the Health Officer and shall contain:
27

28 (1) The full name of the applicant.
29

- 1 (2) The applicant's residence address and residence phone number at the
2 time of the application and for the three-year period preceding the
3 date of application.
- 4
- 5 (3) The applicant's business address and business phone number at the
6 time of the application.
- 7
- 8 (4) If the applicant is a corporation, the name, business address and
9 residence address of the resident agent of the applicant corporation.
- 10
- 11 (5) A complete set of fingerprints of the applicant taken by the Charles
12 County Sheriff's Office shall accompany each application.
- 13
- 14 (6) The location and mailing address of the proposed establishment shall
15 be included in each application.
- 16
- 17 (7) Each application shall include a description of the facilities and
18 services to be offered or available on the premises.
- 19
- 20 (8) If the applicant for a massage establishment license is not the owner
21 of the premises, each application shall include a written, notarized
22 acknowledgment from the owner of the premises approving the use
23 of the premises as a massage establishment.
- 24
- 25 (9) Each application for a massage establishment license shall include
26 the history of the applicant in the operation of massage
27 establishments, the administration of massages, or any similar
28 business or occupation, in any jurisdiction, including whether any
29 permit or license has been denied, suspended, or revoked and the

1 reason therefor, and the business activity or occupation of the
2 applicant subsequent to the denial, suspension, or revocation. Each
3 applicant shall also include copies of any massage-related licenses or
4 permits from other jurisdictions; copies of massage related diplomas
5 or certificates from professional organizations recognized by the
6 Health Officer.

- 7
- 8 (10) The criminal record, if any, other than misdemeanor traffic violations,
9 of the applicant, including, if the applicant is a corporation, the
10 applicant's officers, directors, and stockholders, and, if the applicant
11 is a partnership or association, the applicant's associates and partners.
12
- 13 (11) A notarized statement by the applicant, or if the applicant is a
14 corporation, association or partnership, by an authorized officer,
15 associate or partner of the applicant, attesting to the truth of the
16 information provided in the application.
17
- 18 (12) The application shall include authorization for governmental
19 inspection, including police inspection, of the premises during the
20 application process and while the license is in effect.
21
- 22 (13) The application shall also include any other information considered
23 necessary by the Health Officer to make a decision on the issuance of
24 a license under this Chapter.
25
- 26 (14) Each application shall be accompanied by:
27
- 28 (a) an application fee, as established by the Health Officer, no
29 part of which shall be refundable; and

1
2 (b) the license fee required by this Chapter.
3

4 (15) The application is continuing in nature, and applicant shall furnish the
5 Health Officer with changes in writing within 30 days of the change.
6

7 **§ 79-7. Application for massage establishment manager's license.**
8

9 A. Each application for a massage establishment manager license shall be on the
10 form provided by the Health Officer and shall contain:

11
12 (1) the applicant's name, residence address, and telephone number at the
13 time of the application and for the 3-year period preceding the date of
14 application.

15
16 (2) The applicant's business address and business phone number at the
17 time of the application.

18
19 (3) The location and mailing address of each massage establishment in
20 Charles County where the applicant will be working.

21
22 (4) The name of the person who holds the Charles County license to
23 operate each massage establishment where the applicant will be
24 working.

25
26 (5) All training and experience of the applicant in administering
27 massages and managing massage establishments, including but not
28 limited to any licenses to administer massages or to manage or
29 operate a massage establishment, or diplomas or certificates from

1 professional organizations recognized by the Health Officer.

- 2
- 3 (6) The names and addresses of each massage establishment where the
- 4 applicant has been employed, and the dates of employment. If the
- 5 applicant has not been employed by a massage establishment, the
- 6 names and addresses of the applicant's employers during the 3 years
- 7 preceding the application.
- 8
- 9 (7) The criminal record of the applicant, if any, other than misdemeanor
- 10 traffic offenses.
- 11
- 12 (8) Information as to whether any license to administer massages or
- 13 manage or operate a massage establishment has previously been
- 14 denied, suspended, or revoked and, if so, the circumstances for denial,
- 15 suspension, or revocation.
- 16
- 17 (9) A complete set of the applicant's fingerprints taken by the Charles
- 18 County Sheriff's Office.
- 19
- 20 (10) Written proof that the applicant is at least 18 years old.
- 21
- 22 (11) A certificate from a licensed physician stating that the physician,
- 23 within 30 days immediately preceding the date of application,
- 24 examined the applicant and the applicant is free of disease
- 25 communicable by respiration or physical contact.
- 26
- 27 (12) Three color photographs of the applicant, not more than two inches
- 28 square, taken by the Office of the Sheriff.
- 29

- (a) one of which shall be sealed on the license;
- (b) one of which shall be maintained in the files of the Department; and
- (c) one of which shall be maintained, along with files of licensed massage establishments and managers, by the Charles County Sheriff's Office;

(13) Documentation supporting the individual's legal authority to work in the United States.

(14) A notarized statement by the applicant attesting to the truth of the information provided on the application.

B. Each application shall be accompanied by:

(1) An application fee, as established by the Health Officer, no part of which shall be refundable; and

(2) The license fee required by this Chapter.

C. The application is continuing in nature, and the applicant shall furnish the Health Officer with changes in information within 30 days from the date of the change.

§ 79-8. Application for massage worker's license.

A. Each application for a massage worker's license shall be on the form

1 provided by the Health Officer and shall contain:
2

- 3 (1) The full name of the applicant;
4
5 (2) The applicant's residence address, residence phone number at the
6 time of application and for the three year period preceding the date of
7 application;
8
9 (3) The applicant's business address and business phone number at the
10 time of application;
11
12 (4) A complete set of fingerprints of the applicant taken by the Charles
13 County Sheriff's Office;
14
15 (5) The location and mailing address of each massage establishment in
16 Charles county where the applicant will be working;
17
18 (6) The name of the person who holds the Charles County license to
19 operate each massage establishment where the applicant will be
20 working;
21
22 (7) A description of the applicant's training and experience, including
23 any licenses to administer massages or to manage or operate a
24 massage establishment or diplomas or certificates from professional
25 organizations recognized by the Health Officer;
26
27 (8) The names and addresses of each massage establishment where the
28 applicant has been employed, and the dates of employment. If the
29 applicant has not been employed by a massage establishment, the

1 names and addresses of the applicant's employer's during the three
2 years preceding the date of application;

3
4 (9) The applicant shall include information regarding any massage-
5 related permit or license which has been denied, suspended or
6 revoked, the reasons for the denial, suspension or revocation;

7
8 (10) The applicant shall include the criminal record, if any, other than
9 misdemeanor traffic violations;

10
11 (11) The applications shall include written proof that the applicant is at
12 least 18 years of age;

13
14 (12) A certificate from a licensed physician stating that the physician,
15 within 30 days immediately preceding the date of application,
16 examined the applicant and the applicant is free of disease
17 communicable by respiration or physical contact;

18
19 (13) Three color photographs of the applicant, not more than two inches
20 square, taken by the Office of the Sheriff for Charles County;

21
22 (a) One of which shall be sealed on the license;

23
24 (b) One of which shall be maintained in the files of the
25 Department; and

26
27 (c) One of which shall be maintained, along with files of licensed
28 massage establishments and managers, by the Charles County
29 Sheriff's Office;

1
2 (14) The application shall include documentation supporting the
3 individual's authority to work in the United States; and
4

5 (15) A notarized statement by the applicant attesting to the truth of the
6 information provided on the application.
7

8 B. Each application shall be accompanied by:
9

10 (1) An application, as established by the Health Officer, no part of which
11 shall be refundable; and
12

13 (2) The license fee required by this Chapter.
14

15 C. The application is continuing in nature, and the applicant shall furnish the
16 Health Officer with changes in information within 30 days from the date of
17 the change.
18

19 **§ 79-9. Investigations.**
20

21 A. Upon receipt of the application and fee as provided for in this Chapter, the
22 Health Officer, shall, with the assistance of the Charles County Sheriff's
23 Office review each application and must conduct a prelicensing inspection of
24 any massage establishment. The Health Officer may conduct other
25 inspections necessary to enforce this Chapter.
26

27 B. The Health Officer shall forward a copy of each application for license under
28 this Chapter to the Charles County Sheriff's Office, which shall investigate
29 the background and character of the applicant and all associated persons

1 identified in the application. The Office of the Sheriff shall report its findings
2 to the Health Officer.

- 3
4 C. The Health Officer shall forward a copy of each application for a massage
5 establishment license to the Fire Marshall, and the Office of Planning and
6 Growth Management, which shall inspect the property to determine whether
7 the premises and proposed use are in compliance with applicable fire codes,
8 zoning, building codes and health laws, and report their findings to the Health
9 Officer.

10
11 **§ 79-10. Denial or Revocation of license.**

- 12
13 A. The Health Officer may refuse to issue a license under this Chapter, and may
14 suspend or revoke a license issued under this Chapter, after a hearing for
15 which reasonable notice has been given, if the licensee or applicant:

- 16
17 (1) Violates any provision of this Chapter;
- 18
19 (2) Submits fraudulent information in support of a license application
20 under this section;
- 21
22 (3) Is convicted of, or pleads guilty or nolo contendere to, or is ordered to
23 serve a period of probation after being charged with:
- 24
25 (a) A felony;
- 26 (b) A crime involving moral turpitude;
- 27 (c) A violation of the controlled dangerous substance laws; or
- 28 (d) A violation of any law regulating the practice of a health
29 occupation;

- 1
- 2 (4) Habitually uses any drug or alcoholic beverage to an extent that
- 3 impairs professional performance; or
- 4
- 5 (5) Is grossly negligent in the performance of massage.
- 6

7 **§ 79-11. Notice and Opportunity for hearing.**

8

9 A. Notice. After finding that one or more grounds for denial, suspension or

10 revocation of a license could exist, the Health Officer may serve written

11 notice on the licensee or applicant in person or by regular mail, postage

12 prepaid, addressed to the person's last known address as maintained in the

13 Health Officer's file. Service on that person by mail is effective 3 days after

14 mailing. The Health Officer must also post a written notice at a conspicuous

15 place on the establishment for which the license was or would be issued. The

16 written notice must, at a minimum:

17

- 18 (1) State that the Health Officer has found the licensee or applicant may
- 19 be subject to denial, suspension or revocation;
- 20
- 21 (2) Identify the specific grounds for the Health Officer's finding; and
- 22
- 23 (3) Set a date for a hearing on denial of the application or suspension or
- 24 revocation of the license. The hearing must be held not less than 5
- 25 days after service of the Health Officer's notice unless the parties
- 26 agree to an earlier date.
- 27

28 B. Hearing: The Health Officer or designee may conduct the hearing. At the

29 hearing, the licensee or applicant may present evidence and witnesses to

1 refute the grounds cited by the Health Officer for denying the application or
2 suspending or revoking the license, and the County and any other person may
3 submit relevant evidence. The relevant records of the Department are part of
4 the hearing record. Within 3 business days after the hearing closes, the
5 person conducting the hearing must render a decision in writing, setting forth
6 the reasons for the decision. That decision is final and is subject to judicial
7 review under the Maryland rules for review of administrative decisions. The
8 Health Officer shall send a copy of the decision to the applicant or licensee.
9

10 C. Failure to appear. A licensee or applicant who after notice does not appear
11 at a hearing waives the right to a hearing and consents to the action that the
12 Health Officer proposed in the notice. The Health Officer may deny the
13 application or suspend or revoke the license as proposed in the notice.
14

15 D. Notice and Effective Date of Suspension or Revocation. The Health
16 Officer's written decision must be posted at the office of the Health Officer
17 and must be served on the licensee or applicant in person or by regular mail,
18 postage prepaid, addressed to the applicant or licensee's last known address
19 as maintained in the Department's files. The Health Officer must also post a
20 written notice of the decision at a conspicuous place on the establishment for
21 which the license was or would be issued. A suspension or revocation takes
22 effect on the day the Health Officer's decision is delivered in person or
23 posted, whichever occurs first. To facilitate enforcement of this provision, the
24 Health Officer may require the applicant or licensee to appear at the Health
25 Officer's office at a specific time to receive a copy of the decision and be
26 prepared to surrender the license. If a licensee or applicant does not appear
27 to receive the Health Officer's decision, the Health Officer's decision is
28 effective on the date and time the licensee or applicant was directed to
29 appear.

1
2 E. Surrender of license and security. When a license is suspended or revoked,
3 the Health Officer must take custody of the suspended or revoked license.
4

5 (1) Upon receipt of notice of a license revocation or suspension, unless
6 otherwise directed the licensee must, within 24 hours:
7

8 (a) Place the license in the mail, postage prepaid, addressed to the
9 Department; or

10 (b) Physically deliver the license to the Department.
11

12 (2) If the Department does not receive a suspended or revoked license
13 within 48 hours after notification, excluding weekends and legal
14 holidays, or as otherwise directed, the holder of the license violates
15 this section. In addition to any other penalties that may be imposed,
16 the Health Officer or Police may:
17

18 (a) Remove the revoked or suspended license from the business
19 location; and
20

21 (b) Close the place of business until the person operating the
22 business obtains a license.
23
24

25 **§ 79-12. Appeals.**
26

27 A. Any person aggrieved by the denial, suspension, or revocation of any
28 license under this Chapter may seek judicial review under the Maryland
29 rules for review of administrative decisions.

1
2 B. The Health Officer's decision to deny a license must not be stayed pending
3 appeal. Final administrative action that revokes or suspends a license may
4 be stayed pending appeal only if:

5
6 (1) The court finds that the public health, safety, or welfare will not be
7 endangered during the appeal; and

8
9 (2) A bond of \$100,000 is posted.
10

11 **§ 79-13. Operation of Massage Establishments.**

12 **It shall be the responsibility of the owner or the massage establishment to carry**
13 **out the requirements of this Chapter. Where the owner of the massage establishment**
14 **delegates duties to a manager, the manager along with the owner is responsible to carry**
15 **out the requirements of this Chapter.**

16
17 A. A person may not own or operate a massage establishment without obtaining
18 a massage establishment license. This requirement may be enforced by the
19 Health Officer or the Charles County Sheriff's Office.

20
21 B. The Health Officer or the Charles County Sheriff's Office may close an
22 unlicensed massage establishment until the business and each person owning
23 or operating the business and each massage worker obtains a license under
24 this Chapter.

25
26 C. Any massage establishment must have a license issued by the Health Officer
27 under this Chapter. The licensee is the owner of the establishment. If the
28 owner is not an individual, the owner must designate on the application an
29 individual as the owner's representative. The owner's representative must

1 consent on the application to be so designated. The representative must
2 accept any notice sent to the owner under this Chapter. If the owner does not
3 pay any fine, penalty or fee due under this Chapter, the Health Officer may
4 collect the fine, penalty or fee from the owner's representative. The owner
5 must not designate an individual as its representative under this subsection
6 if the individual is not qualified to receive a manager's license.
7

8 D. Each massage establishment shall have a legible sign posted at the main
9 entrance identifying the premises as a massage establishment with the words
10 "licensed massage establishment".
11

12 E. Each massage establishment shall display in a location visible to persons
13 entering the establishment
14

15 (1) The license issued to the establishment under this Chapter and to each
16 worker and manager employed by the establishment; and
17

18 (2) A copy of this Chapter.
19

20 F. The licensee or a licensed manager must be on the premises at all times while
21 the establishment is occupied;
22

23 G. A massage establishment must meet the minimum standards set forth by this
24 Chapter and by the Health Officer at all times;
25

26 H. Any person who operates a massage establishment must not perform or allow
27 another person to perform a massage unless the person who performs the
28 massage:
29

1 (1) Is a certified massage therapist or registered massage practitioner
2 under state law; or

3
4 (2) Has a valid County massage worker's license.

5
6 I. Any person who operates a massage establishment must not allow a person
7 of one gender to massage a person of another gender unless the person who
8 performs the massage is a certified massage therapist or registered massage
9 practitioner under State law;

10
11 J. Any person who operates a massage establishment must permit the Health
12 Officer or the Charles County Sheriff's Office to enter the massage
13 establishment at any time during operating hours, and at any other time in an
14 emergency or when the establishment is occupied;

15
16 K. No person may reside in a massage establishment;

17
18 L. All employees shall wear opaque clothing that completely covers their trunk
19 and erogenous areas. Employees and workers shall not uncover his or her
20 erogenous areas;

21
22 M. The erogenous areas of the customer shall remain covered at all times;

23
24 N. A person may not massage or offer to massage the erogenous areas of the
25 customer;

26
27 O. A massage establishment may not cause, encourage, or allow:

28
29 (1) The administration of a massage or the operation or management of

1 a massage establishment by a person not licensed under this Chapter;
2 or

3
4 (2) Any person in its employ or operating as its agent or on its premises
5 to violate any provision of this Chapter.
6

7 P. A person may not offer a massage for compensation before 7:00 a.m. or after
8 10:30 p.m.
9

10 **§ 79-14. Inspections.**

11
12 A. The Health Officer shall periodically inspect the premises of every massage
13 establishment and other business offering or performing massages to ensure
14 compliance with this Chapter.
15

16 B. The Health Officer, Charles County Sheriff, The LaPlata Town Chief of
17 Police, the Fire Marshall, the Director of Planning and Growth Management,
18 the Investigator, Board of Chiropractic Examiners, Massage Therapy
19 Advisory Committee, Maryland Department of Health and Mental Hygiene,
20 and their authorized representatives, on the exhibiting of proper credentials
21 on request, may enter any massage establishment without the consent of the
22 owner or occupant at any time during business or operating hours for the
23 purpose of performing their duties under this Chapter or to enforce its
24 provisions. The premises may be inspected outside of business or operating
25 hours as may be necessary in any situation that may pose an immediate threat
26 to life, property, or public safety.
27

28 C. Persons authorized to inspect the premises shall be admitted immediately
29 upon request.

1
2 D. Inspectors may enter a room or cubicle in which a customer is or is presumed
3 to be currently receiving a massage only after knocking on the door, if there
4 is a door, and verbally identifying themselves by their name and job title and
5 announcing they are about to enter for the purpose of inspecting the room or
6 cubicle.

7
8 E. If the Health Officer, the Sheriff, the Chief of Police, the Fire Marshall, the
9 Director of Planning and Growth Management, the Investigator, Board of
10 Chiropractic Examiners, Massage Therapy Advisory Committee, Maryland
11 Department of Health and Mental Hygiene, or their authorized representatives
12 are denied entry to any massage establishment at any reasonable time, the
13 Health Officer and/or the Sheriff's Office may immediately suspend the
14 license of the massage establishment.

15
16 F. This section does not restrict or limit the right of entry vested in any law
17 enforcement agency.

18
19 **§ 79-15. Enforcement.**

20
21 A. The Health Officer shall order an unlicensed massage establishment to close
22 immediately. The massage establishment shall not reopen until the
23 establishment, its manager and its workers are licensed pursuant to this
24 Chapter.

25
26 B. The Health Officer shall order that an unlicensed manager or an unlicensed
27 worker may no longer work in a massage establishment until the individual
28 is licensed pursuant to this Chapter.
29

1 C. Upon closing an establishment pursuant to subsection A of this section, the
2 Health Officer shall post a notice on the premises of the establishment stating
3 that it is closed for lack of licensing and may reopen whenever the
4 Department issues a license.

5
6 D. Civil Penalties.

7
8 (1) The Health Officer may enforce the provisions of this Chapter
9 through injunctive proceedings, action for specific performance, or
10 any other appropriate proceeding.

11
12 (2) A person who violates any provision of this Chapter is subject to civil
13 fines

14
15 (3) A licensee shall be subject to a civil fine of \$500 per day for each day
16 that the licensee operates in violation of an order suspending or
17 revoking its license. The Court may impose these fines as ancillary
18 relief in the injunctive proceedings or as damages in separate civil
19 proceedings.

20
21 E. Remedies cumulative: The remedies available to the County and the Health
22 Officer under this Chapter are cumulative and not exclusive.

23
24 **§ 79-16. Severability.**

25
26 If any part of this Chapter is held invalid, the invalidity shall not affect the other parts.

27
28 **SECTION 2.** BE IT FURTHER ENACTED, that this Act shall take effect forty-
29 five (45) calendar days after it becomes law.